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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 3881 of 2005

Petitioners
1. Razzak Miyan, age- 40 years, Son of Shri Ishak Miyan, Poster as – Patwari, at – P.C.No. 29, R.I.C. – Ahiwara, Tah. – Dhamdha, Dist. Durg, R/o – Village- Nandini, Khundani (Ahiwara), Dist. Durg (C.G.).
2. S. P. Mishra, Age- 33 years, Son of Shri Rajbhadur, Posted as Patwari, P.C.No.-26, R.I.C. Ahiwara, Tah. Dhamdhad, Dist. Durg, R/o Village- Aheri, Tah. Dhamdha, Dist. Durg (C.G.).

Versus

Respondents
1. State of C. G., Through the Secretary, Revenue Department, Mantralaya, D. K. S. Bhawan, Raipur (Chhattisgarh).
2. The Collector, Durg (C.G.).
3. Sub Divisional Officer (Revenue), Sub Division – Durg, District- Durg (C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Miss Purnima Singh, Advocate for the petitioner.
Miss Sunita Jain, Panel lawyer for the respondents/State.

ORDER

(Passed on this 13th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioners while working as Patwari were transferred on mutual consent vide order dated 25.6.2001 and pursuant to that order they had joined their respective place of posting. Vide impugned order dated 31.8.2001(Annexure A/1) the earlier order dated 25.6.2001 was cancelled.

2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 3.10.2001 directed to maintain status quo in regard to the position of the petitioners, as was prevailing on 27.9.2001. By virtue of the interim order the petitioners are continuing at their original place of posting.

3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur